

II. RESPONSE

A. Status of the Claims

Claims 18-49 were pending at the time of the Restriction Requirement, with claims 1-17 having been previously canceled in the Preliminary Amendment filed with the application on December 16, 2005. Claims 27-36 and 44-49 are withdrawn in view of the election of the Group I invention below. Claim 36 has been amended, and this amendment is supported by the specification as filed, for example at p. 16, lns. 3-9. No new matter is added by this amendment. Therefore, claims 18-49 will be pending after entry of the amendment, with claims 18-26 and 37-43 currently under examination.

B. Response to Restriction Requirement

In response to the restriction requirement, Applicants elect, *without traverse*, to prosecute the Group I invention in the present application, as exemplified by current claims 18-26 and 37-43, drawn to a composition comprising a polypeptide, including compositions comprising a polypeptide and a cell, and drawn to a cell *per se*.

Applicants reserve all rights under the laws and rules to have currently withdrawn claims reentered later in prosecution and to prosecute any claims supported by the specification in any continuing or divisional application.

C. Species Election

In response to the species election requirement entered by the Examiner for the Group I invention, Applicants elect, *without traverse*, species (a), hepatocyte. Of the currently elected Group I claims, claims 18-26, 37-39, and 41-43 read on this species, with claims 18-26, 37, 41, and 43 being generic to this species. All of the currently withdrawn claims 44-49 drawn to the Group III invention read upon and are generic to the elected species.

Applicants would like to point out that this species election has no impact upon the scope of examination of currently elected claims 18-26 of the Group I invention, or currently withdrawn claims 27-36 of the Group II invention if they are reentered into the case at a later time in prosecution. These claims are not limited to compositions comprising cells and encompass compositions that do not comprise cells. Therefore, the full scope of claims 18-26 should be searched at this time and the full scope of claims 27-36 should be considered in the event that those claims are reentered into prosecution.

Applicants reserve the right to have any and all dependent claims directed to the non-elected species examined in the present case if any of the above-mentioned generic claims or any other generic claims encompassing such non-elected species within their scope are found to be allowable.

D. Conclusion

Applicants believe that they have submitted a complete reply to the Restriction Requirement dated September 9, 2009, and respectfully request favorable consideration of the claims in view of the amendments and statements contained herein.

Should the Examiner have any questions, comments, or suggestions relating to this case, the Examiner is invited to contact the undersigned Applicants' representative at (512) 536-3035.

Respectfully submitted,



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